

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 1452 of 2005

Between:

G. Seshagiri Rao, S/o. G. Gopal Rao,
R/o. D.No.27-5-36, Temple Street, Kakinada,
East Godavari District.

..... PETITIONER

AND

1 Deputy Transport Commissioner & Secretary,

Regional Transport Authority,
Kakinada, East Godavari District.

2 Motor Vehicle Inspector (Gazetted),

Gudiwada, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue an order or direction, more particularly one in the nature of writ of Mandamus declaring the seizure and continued detention of the petitioners Idle Contract Carriage Vehicle bearing R.No.A.P.16/U-6678 seized under vehicle check report No.59169 dt. 3-01-2005 by the 2nd respondent i.e., Motor Vehicle Inspector (Gazetted) Gudiwada, Krishna District, as arbitrary, illegal unjust, unconstitutional and without jurisdiction and consequently direct the respondents to forthwith release the petitioners idle contract carriage vehicle bearing R.No.A.P.16/U-6678 to the petitioner.

Counsel for the Petitioner: Mr. RAJANIKANTH JWALA

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following :

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ORDER:

This Writ Petition is filed seeking to declare the action of the 2nd respondent in seizing the vehicle of the petitioner bearing R.No.A.P.16/U-6678 under vehicle check report No.59169

dated 03-01-2005 by the 2nd respondent i.e., Motor Vehicle Inspector (Gazetted) Gudiwada, Krishna District, as arbitrary, illegal unjust, unconstitutional and without jurisdiction and consequently to direct the respondents to forthwith release the petitioners idle contract carriage vehicle bearing R.No.A.P.16/U-6678 to the petitioner.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Transport appearing on behalf of the respondents.

3. Whether the petitioner violated the provisions of the Motor Vehicles Act has to be decided by the competent authority. In the meanwhile, it is not desirable to keep the vehicle idle, as it is likely to be rusted and damaged.

4. In the result, the Writ Petition is disposed of directing the 2nd respondent to release the vehicle of the petitioner on the following conditions:

1. He shall not alienate or transfer the vehicle to any other person without the permission of the respondent;
2. He shall not change the engine or parts of the vehicle;
3. He shall produce the vehicle as and when required by the concerned authorities;
4. He shall participate in the enquiry that is going to be conducted by the 2nd respondent;
5. He shall pay the tax amount, due if any, as on today.

SD/-ASADULLAH KHAN

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.. The Deputy Transport Commissioner & Secretary,

Regional Transport Authority, Kakinada, East Godavari District.

2. The Motor Vehicle Inspector (Gazetted),

Gudiwada, Krishna District.

3. Two CCs to the GP FOR TRANSPORT,

High Court Buildings, Hyderabad (O.U.T.)

4. Two CD Copies.

APS.

DATED:2/2/2005

ORDER

WP.NO.1452 OF 2005

DISPOSED OF WP.

SD/-P.KRISHNAMURTHY

DEPUTY REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Zonal Manager, Food Corporation of India, Haddows Road, Chennai.
2. The Senior Regional Manager, Food Corporation of India, HACA Bhavan, Hyderabad
3. Two CD Copies
4. One cc to Mr.V.Vishwanatham, Advocate (OPUC)
5. One cc to Mr.Meherchand Nori, Advocate (OPUC)

Aps.

DATED:19/1/2005

JUDGMENT

WA.NO.2097 OF 2004

DISPOSING OF THE WA
AT THE ADMISSION STAGE
WITHOUT COSTS.